

REMARKS

Status of Claims

Claims 1-40 were presented in the original application, which was filed on January 7, 2002. In response to the restriction requirement mailed on June 27, 2003, claims 1-31 and 38-40 were withdrawn for reintroduction in one or more divisional application(s). With respect to the present application, claims 1-31 and 38-40 are hereby cancelled without prejudice. Claims 32 and 37 are amended, and claims 41-73 are added, as reflected in the preceding listing of claims.

Support for the amendments to claims 32 and 37 is found in the original application as filed, at least at paragraph [0013] of the specification, which states, “[t]he polymerization catalyst has a polymeric group with at least 25 carbon atoms.” Support for the new claims is found in the original application as filed, at least at original claims 1-16. Applicant submits that no new matter is added. Claims 32-37 and 41-73 are now pending.

Claims 32-37 are patentable over the cited art

Claims 32-37 stand rejected under 35 U.S.C. § 102(e) as anticipated by Winckler *et al.* (U.S. Patent Nos. 6,420,074; 6,639,009; and 6,369,157). Applicant respectfully traverses these rejections.

The Office action, at page 2, states the following:

When applicants refer to ‘a polymerization catalyst comprising [a] polymeric group comprising 25 or more carbon atoms’ in pending claims 32-37, the examiner assumes, based on the specification, that this refers to the entire polymerized structure ...

However, Applicant submits that the cited phrase, “a polymerization catalyst comprising a polymeric group comprising 25 or more carbon atoms,” unambiguously refers to the *polymerization catalyst* itself, not a product of a polymerization reaction involving the catalyst. In other words, the invention provides a *polymerization catalyst* having a polymeric group with at least 25 carbon atoms.

The application is directed to polymer-containing catalysts and methods of their use. Naturally, a *product* of a polymerization reaction involving one or more of these catalysts may

very well contain a polymeric group with 25 or more carbon atoms, but the cited phrase above refers to the *catalyst*, itself.

Without acquiescing to the statement in the Office action, Applicant amends claims 32 and 37 to clarify the above point. Each of independent claims 32, 35, and 37 recite a polymerization catalyst having a polymeric group with 25 or more carbon atoms. None of the cited references teaches or suggests such a polymerization catalyst. Accordingly, Applicant respectfully submits that independent claims 32, 35, and 37 are patentable over each of the cited references.

Claims 33, 34, and 36, each of which depend from one of independent claims 32 and 35, contain all of the limitations of their respective independent claims. Accordingly, Applicant respectfully submits that claims 33, 34, and 36 are patentable over the cited references.

In view of the foregoing, Applicant respectfully requests that the rejection of claims 32-37 under §102(e) be reconsidered and withdrawn.

Conclusion

Applicant requests that the Examiner reconsider the application and claims in light of the foregoing amendments and remarks. Applicant respectfully submits that in view of the amendments and remarks herein, each of claims 32-37 and 41-73 is in condition for allowance.

If the Examiner believes that it would be helpful to discuss any aspect of the application by telephone, the undersigned representative cordially invites the Examiner to call him at the telephone number below.

Respectfully submitted,


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